## MINUTES BOARD OF ZONING APPEALS

## October 3, 2023 at 5:00 o'clock P.M.

Held at the Jefferson County Surveyor's Office, 315 Jefferson St., Annex Bldg., Madison, IN 47250

MEMBERS PRESENT:

DAVID FERGUSON, JENNY BEVERLY, DARRELL GINN and

JIM KLEOPFER

VISITORS PRESENT:

MARIBEL ZAVALA, MELVIN OUOLARCER, CINDY

ZAVALA, KEN PULLIUM, and ERIC SMITH

STAFF PRESENT:

MIKE PITTMAN, County Surveyor, LYNETTE ANDERSON,

Secretary, JOSH CLINE, Building Inspector, and PAT

MAGRATH, Attorney

President David Ferguson called the meeting to order. A quorum was present with Kellen Cronen absent. Darrell Ginn made a motion to approve meeting minutes from September 5, 2023. Jenny Beverly seconded the motion. Motion passed unanimously.

## New Business as follows:

- Zavala, Meribel, property located at 7618 S SR 62, Lexington, Indiana, Saluda Township, AG District, parcel number 39-16-09-000-027.000-012, requested a special exception for an accessory dwelling to be placed on property for a family member. Green cards and proofs of mailing were turned in. The accessory dwelling is a house trailer and is for the applicant's daughter. Kenneth Pullium, adjoining landowner, opposed adding an additional home on the property; had concerns of septic, drainage, smell, land doesn't perk well, property is not suitable for another home. Applicant has perk test done. David Ferguson said when thinking of accessory dwelling, I don't think of a house trailer; a house trailer is basically putting another house on small acreage and it is bigger than the 800 square feet. Jim Kleopfer agreed a trailer is another home. Findings of Fact- a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare 4-0 False; b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted 4-0 False; c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district 4-0 False; d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided 4-0 False; e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways 4-0 True; and f) The special exception will be located in a district where such use is permitted and all other requirements set forth in this UDO that are applicable to such use will be met 4-0 True. Decision: The Jefferson County Board of Zoning Appeals voted to *deny* the application for a special exception in this matter with members voting as follows: unanimously denied; 4-0. Conditions of the special exception are as follows: None – Darrell Ginn made a motion to deny the application. Jim Kleopfer seconded the motion. Motion passed unanimously.
- **Zavala, Meribel,** property located at 7618 S SR 62, Lexington, Indiana, Saluda Township, AG District, parcel number 39-16-09-000-027.000-012, requested a variance from developmental standards for minimum square footage of accessory dwelling. Green cards and proofs of mailing were turned in with the special exception application. There was question if

the variance needed to be heard since the special exception application was denied. Pat explained the variance needs to be addressed for the record; in case of an appeal, there would be a record of the Findings. Findings of Fact-a) The approval will not be injurious to the public health, safety, morals and general welfare of the community; 4-0 False; b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; 4-0 False; c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property; 4-0 True **Decision**: The Jefferson County Board of Zoning Appeals voted to *deny* the application for variance from developmental standards in this matter with members voting as follows: unanimously denied; 4-0. Conditions of the variance are as follows: None. Darrell Ginn made a motion to deny the application. Jim Kleopfer seconded the motion. Motion passed unanimously.

Miller, Jasper, property located at 5756 N SR 62, Madison, Indiana, Madison Township, AG District, parcel number 39-09-06-000-012.000-006, application for special exception for small engine repair business. The applicant withdrew his application. This was announced before the recording of the meeting began.

## Other business as follows:

Next Meeting: Wednesday, November 8, 2023, at 5:00 o'clock P.M. at the Jefferson County Surveyor's Office, 315 Jefferson St., Annex Bldg., Madison, IN

Jenny Beverly moved for a motion to adjourn the meeting. Jim Kleopfer seconded the motion. The motion passed unanimously. The meeting was adjourned.

Minutes prepared:

APPROVED THIS 8 DAY OF Yorkmor, 2023.

BY: Mulf January BOARD OF ZONING APPEALS

BY: DAVID FERGUSON, President

Darrell Ginn, Vice - President